

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTONE LEMANDINGO KNOX,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-20-1045-F
)	
MARK BOWEN,)	
)	
Respondent.)	


ORDER

This order addresses a certificate of appealability for Mr. Knox’s appeal of this court’s dismissal of his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. This order also addresses Mr. Knox’s motions seeking leave to proceed on appeal without prepayment of fees or costs. Doc. nos. 30, 26.

Movant is entitled to a certificate of appealability only upon making a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). This standard is satisfied by demonstrating that the issues movant seeks to raise are deserving of further proceedings, debatable among jurists of reasons, or subject to different resolution on appeal. *See, Slack v. McDaniel*, 529 U.S. 473, 483 (2000) (“[W]e give the language found in §2253(c) the meaning ascribed it in [*Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)], with due note for the substitution of the word ‘constitutional.’”). “Where a district court has rejected the constitutional claims on the merits,...[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Id.* at 484. Petitioner has not made the requisite showing and a certificate of appealability is **DENIED**.

Mr. Knox has filed two motions seeking permission to proceed on appeal without prepayment of fees or costs. Mr. Knox is unable to present a reasoned, nonfrivolous argument on the law and the facts in support of his appeal. Accordingly, his appeal is not taken in good faith, and his motions to proceed on appeal without prepayment of costs or fees are **DENIED**. Doc. nos. 30, 26. *See generally*, 28 U.S.C. §1915(a)(3) (“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith”); and Rule 24, Fed. R. App. P.

IT IS SO ORDERED this 16th day of March, 2021.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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